

Appl. No. 09/996,187
Response dated January 9, 2004
Response to Office action of October 2, 2003

APPL. NO. : 09/996,187
APPLICANT : McCarthy *et al.*
FILED : November 27, 2001
TITLE : FUNCTIONAL PROTEIN EXPRESSION FOR RAPID CELL-FREE
PHENOTYPING

TC/A.U. : 1648
EXAMINER : Hill, Myron G.

DOCKET NO. : 62600-010110 (formerly 22510-501)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is in response to the Office Action mailed on October 2, 2003 imposing a Restriction Requirement in the above-identified patent application. The Response is due February 2, 2004 with a three-month extension of time. As such, a Petition for a three-month extension of time accompanies this Response. The Commissioner is hereby authorized to charge any fees due, or credit any overpayment of same, to Deposit Account No. 50-2678, Attorney Reference No. 62600-010110.

In the Office Action dated October 2, 2003, the Examiner requested restriction of the application to one of the following groups:

Group I (Claims 20 and 21), drawn to a method of producing and evaluating a bioactive molecule that assays for enzyme activity, classified in class 435, subclass 7.4;

Group II (Claims 22 and 23), drawn to a method of producing and evaluating a bioactive molecule that assays for affinity of compound for bioactive molecule, classified in class 436, subclass 501;

Group III (Claims 24 and 25) drawn to a method of producing and evaluating a bioactive molecule that assays for structure of bioactive molecule, classified in class 435, subclass 5; and

Group IV (Claim 31), drawn to a method of producing and evaluating a bioactive molecule that requires starting with a bioactive molecule that has resistance to a first compound and detecting phenotype in presence or absence of a second compound, classified in class 435, subclass 5.

Applicant was further required under 35 U.S.C. §121 to elect a single disclosed species from each group. That is, the Applicant was required to elect one bioactive molecule from claims 2-6 and/or one pair of primers from claim 29 as well as one compound from claim 19.

The Office objects to claims 32-34 under 37 C.F.R. §1.75 as being duplicates of claims 26, 30 and 31, respectively.

Applicants hereby elect the invention of Group I, claims 20 and 21. Applicants also elect a viral molecule as the bioactive molecule of claim 2. Furthermore, Applicants elect an anti-viral compound as the compound of claim 19.

Applicants reserve the right to prosecute the non-elected claims in one or more subsequent applications.

Applicants note that we recently relocated our offices from the 3rd floor at One International Place, Boston, MA 02110 to the 20th floor at One International Place, Boston, MA 02110. To avoid potential delay in future correspondence, Applicants respectfully request that the Office correct the address accordingly.

On the basis of the foregoing elections, Applicants respectfully submit that the pending claims are in condition for allowance and respectfully request the same. If there are any questions and remarks, the Examiner is encouraged to contact either of the undersigned at the telephone number provided below.

Respectfully submitted,

Dated: January 9, 2004

 37,833
for James F. Ewing, Reg. No. 52,875
Michel Morency, Reg. No. 50,183
Attorneys for Applicants
c/o GREENBERG TRAURIG LLP
One International Place
Boston, Massachusetts 02110
Tel: (617) 310-6000
Fax: (617) 310-6001

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence, and any documents referred to as enclosed therein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an enveloped addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 9th day of January 2004.


James F. Ewing

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